

Hon. Ta-Tanisha D. James, J.S.C.
Part 15, General IAS

Courtroom: 60 Centre Street, Room 438, New York, NY 10007

Part Clerk: Mary Guzzardo, SFC-Part15-Clerk@nycourts.gov

Principal Law Clerk: Ashley N. Lane, Esq., alane@nycourts.gov

Assistant Law Clerk: Roseanne Harris, Esq., rcharris@nycourts.gov

Courtroom Telephone Number: 646-386-4462

Chambers Telephone Number: 646-386-4460

I. Communications with the Court:

1. There shall be no *ex parte* communications with Chambers regarding substantive matters.
2. All communications shall be directed to either the Part Clerk or the Law Clerks, as specified herein.
3. Do not directly email Judge James unless instructed otherwise.
4. The Court prefers email communication. Phone calls to the Courtroom or Chambers may be made for urgent matters.
5. All emails to the Part Clerk or Law Clerks must be copied to all parties. Failure to do so will result in the email being disregarded.
6. Do not copy the Court on letters and emails exchanged between counsel unless expressly requested by the Court.
7. If the parties submit letters to the Court, they must also be e-filed on NYSCEF.
8. The Court does not litigate matters by email, letter, or telephone correspondence.
9. All scheduling inquiries shall be directed to the Part Clerk. Please do not contact Chambers regarding scheduling matters unless it is urgent and you have been unable to reach the Part Clerk.
10. Counsel shall promptly notify the Court of any settlement or resolution of a pending matter, or of any development that affects the case, such as the death of a party or bankruptcy filing.
11. The parties are strongly encouraged to sign up for eTrack for calendar updates.
12. Do not contact chambers or the Part Clerk to ask whether a decision has been issued or when a decision is expected to be issued. All Decisions and Orders will be available online via NYSCEF, eCourts or SCROLL.

II. Adjournments:

1. If all parties consent to an adjournment, a stipulation may be submitted via NYSCEF no later than two days prior to the scheduled appearance.
2. If all parties do not consent to an adjournment, the party seeking the adjournment may email the Part Clerk no later than two days prior to the scheduled appearance, with all parties copied.
3. All requests to adjourn oral argument must be made to the Part Clerk via email with all parties copied, even if all parties consent, no later than two days prior to the scheduled argument.
 - a. Adjournments for oral argument are at the Court's discretion.
 - b. Failure to request an adjournment will result in the motion being marked off on the original return date.
4. Last minute adjournment requests due to exigent circumstances may be made by calling the Part Clerk.
5. Failure to appear by any party without prior approval of the Court may result in a default being entered against it.

III. Conferences:

1. The Part's conference day is Tuesdays at 9:30 a.m.
2. Counsel appearing at conferences are expected to be thoroughly familiar with the matter, have the authority to discuss and stipulate to resolve all discovery issues, and be prepared to discuss settlement.
 - a. This includes attorneys who are of counsel, per diem, junior associates, etc.
 - b. Attorneys must be able to provide information about any pending appeals, prior motion practice, outstanding motions, motions they intend to file, and whether there are any related cases.
 - c. Appearances by counsel without authority may be deemed a default.
3. If during any scheduled conference there is a pending motion, the parties must be prepared to discuss the motion during the conference.
4. Parties must request a preliminary conference when filing the RJI and email the Part Clerk for a date.
 - a. If the RJI has been filed without requesting the preliminary conference, you may appropriately file the request and then email the Part Clerk to request a date.
5. Prior to the scheduled conference, whether it be preliminary, compliance or status, the parties shall confer among themselves and submit the relevant conference order, agreed upon by all parties.
 - a. A link to the blank forms is on the court's website under Judicial Assignments along with these Part Rules.
 - b. Do not upload an unsigned draft order to NYSCEF.
 - c. The parties are encouraged to complete the conference form prior to the scheduled conference and bring a copy to the appearance for review.
 - d. The Court will not call a case for conference unless all parties are present and a completed Order is submitted to the Part Clerk.
 - i. If there are items in dispute, please alert the Part Clerk when submitting the Order.
6. For any scheduled conferences, the parties may submit a consent Order in lieu of an appearance for the Court's review and signature. If the Court has questions or still requires an appearance, the parties will be contacted by a Law Clerk.
7. If the parties have been unable to reach a resolution on any outstanding discovery issues, you may email the Part Clerk to request a discovery conference.
 - a. At such a conference, be prepared to discuss the good faith efforts taken to resolve the discovery issues.
 - b. At each discovery conference, counsel must be prepared with all outstanding discovery as well as prior conference orders and stipulations. Failure to address all outstanding discovery existing at the time of the compliance conference may be deemed a waiver of the right to obtain said discovery.
8. Upon notice to the Part Clerk that discovery is complete, the Court will schedule a settlement conference.
 - a. The parties are free and encouraged to request a settlement conference with the Court at any time by emailing the Part Clerk.
 - b. Direct client participation during settlement conferences is permitted where agreed on by all parties or as directed by the Court.
 - c. The Court may conduct the settlement conference or refer the matter to mediation in its discretion and subject to the Mediation Part's approval.

9. If all parties agree before the final compliance conference that discovery is complete, the final conference may be vacated by e-filing or emailing a stipulation to the Part Clerk no later than two days before the scheduled conference. The stipulation must certify that all discovery is complete and provide for the filing of the Note of Issue.
10. Please bring all prior conference Orders and stipulations to each conference.
11. Upon a party's failure to appear for a conference, the case may be dismissed, the party's pleading may be stricken, or a default judgment may be entered pursuant to Uniform Rules 202.27. Any motion to vacate such a default must fulfill the requirements of CPLR 5015.

IV. Orders to Show Cause:

1. Shall only be brought when there is a genuine urgency.
2. If a party seeks a temporary restraining order pursuant to Uniform Rules 202.7, they must provide proof their adversary was notified about the application and the time, date, and manner the application will be presented for signature.
3. The Court in its discretion may schedule a hearing on the TRO application or set a deadline to submit written opposition to the TRO request.
4. All Orders to Show Cause must first be processed by the *Ex Parte* Motion Office. Do not bring an OSC directly to the Part.
 - a. Before inquiring with the Part as to the status of the OSC, the movant must first contact *Ex Parte* to ensure the OSC has been processed and submitted to Chambers.
5. The signed OSC will be uploaded to NYSCEF or emailed to counsel for the movant if it is a paper case.

V. Motions:

1. The Part's motion day is Thursdays at 9:30 a.m.
2. For motions pending in the Motion Submissions Part (Room 130), you must follow that Part's rules regarding adjournments, scheduling, and withdrawals.
3. Oral arguments will be held on all motions and will take place in person.
 - a. Once all papers are received, the Court will schedule the oral argument for the next available motion day and the parties will be notified of the date by the Part Clerk.
 - i. If after review of the papers the Court determines not to hold oral argument, the parties will be notified.
 - b. If the Court requires the transcript of the oral argument, the motion will not be considered fully submitted until the transcript is filed on NYSCEF.
 - i. The parties will jointly share the cost of obtaining the transcript unless otherwise directed by the Court.
4. Summary Judgment motions shall be made pursuant to CPLR 3212 and shall be filed within 60 days of the filing of the Note of Issue.
 - a. No exceptions shall be made without leave of Court.
 - b. The affirmation in support must include the Note of Issue filing date, if applicable, and annex a copy of the certificate of readiness and Note of Issue.
 - c. Motions for summary judgment prior to the completion of discovery are discouraged. However, if made, discovery must continue during the pendency of a summary judgment motion unless good cause is shown for a stay and ordered by the Court—a stipulation will not suffice.
5. All papers shall include the Index Number and the Motion Sequence Number.

6. If a case has multiple plaintiffs or defendants, you must state which party you represent in your motion papers. Do not state that you represent “defendants” unless you represent all defendants.
7. When appearing before the Court on a motion, counsel should have settlement authority and be prepared to engage in settlement discussions with the Court and counsel, as well as have their client or adjuster reachable by phone if not present.
8. No discovery motions shall be filed without first conferencing with the Part.
9. Each document and exhibit shall be separately filed and described on NYSCEF so that it is known what the document is.
10. Each page in any exhibit must be numbered.
11. Reference to any exhibit must include pinpoint citations to facilitate finding the exact location within the exhibit.
12. Reference to deposition testimony must cite the exact page and line numbers referred to.
13. If any document and/or exhibit pertains to more than one motion, it must be uploaded separately under each motion sequence number.
14. If a party relies on a decision or other authority not officially published or readily obtainable by the Court, as well as cases published in the Law Journal, a copy of the case or pertinent portions of the authority shall be submitted with the motion papers.
15. If a motion has been withdrawn or settled, the parties must e-file a stipulation and immediately notify the Part Clerk.

VI. Trials:

1. Bench Trials:
 - a. If the parties have filed a Note of Issue and are ready to proceed to a bench trial, they are to notify the Part Clerk so that a Pre-Trial Conference can be scheduled.
2. Jury Trials, including Summary Jury Trials:
 - a. If you are assigned to Part 15 for a jury trial, you will be contacted by the Part Clerk to schedule a Pre-Trial conference, at which time you are to be prepared to discuss the following with the Court:
 - i. Facts of the Case
 - ii. Number of witnesses for each side
 1. Whether any witness requires the use of an interpreter and if so, the required language and dialect.
 2. Whether any witness, party, or attorney requires ADA accommodations.
 - iii. Expert witnesses and expert disclosures
 - iv. Expected length of trial
 - v. All marked pleadings and bills of particulars
 - vi. Demands and offers, including the existence of any liens and futures
 - vii. Pre-trial memoranda if requested by the Court
 1. Any submitted pre-trial memoranda shall not exceed five pages and shall set forth the party’s position and relevant factual and legal issues to be tried, citing relevant case law.
 - viii. All prior decisions in the case, including any appellate decisions
 - ix. Any requests for the use of technology and/or audiovisual equipment
 - b. Prior to the start of trial, the parties must furnish the following:
 - i. All motions *in limine* must be presented in writing to the court as soon as practicable or as specifically scheduled at any pre-trial conference, with a copy to all parties.

- ii. Proposed jury instructions and verdict sheet in Microsoft Word format, emailed to the Law Clerks and opposing counsel.
- 3. Parties must have copies of all exhibits for the Court and each adversary.
- 4. All parties are encouraged to have their exhibits pre-marked by the court reporter.
- 5. Counsel shall ensure all subpoenaed documents have arrived at the subpoenaed records room at 60 Centre Street. Court personnel will not follow up on subpoenaed records.
- 6. Trial dates scheduled by the Court are firm and may only be adjourned for an emergency. No adjournments will be granted based on the unavailability of the witness to testify unless the Court concludes good cause exists for the adjournment.

VII. Miscellaneous:

- 1. Part 15 is a paperless part, however working or courtesy copies of any papers filed are appreciated, especially if the filing is voluminous.
- 2. If any appearance will be conducted virtually, a Microsoft Teams invite will be sent to counsel of record on NYSCEF in advance of the scheduled appearance. Do not email the Court seeking the link unless you have not received it by the day prior to the scheduled appearance.
 - a. If you have additional attorneys or individuals appearing at a virtual appearance, you may forward the link you receive to them. Do not ask the Court to send the link to additional people.
 - b. When contacting the Court via email, do not reply to an email containing the Microsoft Teams link.
- 3. If you have items such as stipulations, subpoenas, transcripts and proposed Orders and Judgments that need to be “so ordered,” you may submit a hardcopy directly to the Part or upload to NYSCEF and notify the Part Clerk of the filing and request for it to be “so ordered.”
- 4. The Court reserves the right to vary these rules and modify/update them in the interest of justice or for good cause shown.